

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAMITA JOHNSON EL BEY,
f/k/a Damita Collette Johnson,

Plaintiff,

CIV. NO. 13-12170

v.

HON. TERRENCE G. BERG

BANK OF AMERICA, N.A.,
THE BANK OF NEW YORK
MELLON, and MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC.,

Defendants.

_____ /

**ORDER DENYING PLAINTIFF'S REQUESTS
FOR RECONSIDERATION (DKTS. 25 & 26)**

This is a case challenging a foreclosure following a default on a mortgage. On February 7, 2014, the Court granted Defendants' motion to dismiss, and dismissed this case with prejudice (Dkt. 23). On February 19, 2014, Plaintiff filed a "discovery demand" (Dkt. 25) and on March 13, 2014, Plaintiff filed an "affidavit of recording" (Dkt. 26). In these pleadings, Plaintiff raises many of the same arguments that she

raised in response to Defendants' motion to dismiss. As such, the Court will treat these filings as motions for reconsideration.

Pursuant to E.D. Mich. L.R. 7.1(g)(3) "the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication." A motion for reconsideration is only proper if the movant shows that the court and the parties were misled by a "palpable defect." E.D. Mich. L.R. 7.1(g)(3). A "palpable defect" is a "defect which is obvious, clear, unmistakable, manifest, or plain." *Olson v. The Home Depot*, 321 F.Supp.2d 872, 874 (E.D. Mich. 2004). The movant must also demonstrate that the disposition of the case would be different if the palpable defect were cured. *See* E.D. Mich. L.R. 7.1(g)(3).

Plaintiff's most recent filings have not shown any "palpable defect," sufficient to cause the Court to reconsider its prior ruling. Rather, Plaintiff merely repeats the same arguments that the Court has already rejected. Accordingly, the Court will not revisit its prior ruling, and will not re-open this case. This case is closed. If Plaintiff wishes to challenge the Court's dismissal of her case, the proper course is to file

an appeal with the Sixth Circuit Court of Appeals. *See* Fed. R. App. P.

3. If Plaintiff files further pleadings in this case, they will be stricken from the docket.

SO ORDERED.

s/Terrence G. Berg
TERRENCE G. BERG
U.S. DISTRICT JUDGE

Dated: March 24, 2014

Certificate of Service

I hereby certify that this Order was electronically submitted on March 24, 2014, using the CM/ECF system, which will send notification to each party.

s/H. Monda for A. Chubb
Case Manager